



#9/ Terminal  
Disclaimer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

M. WATTS  
11/13/00

Applicants : Lloyd Fladgard and Scott Fladgard  
Application No. : 09/436,790  
Filed : November 8, 1999  
For : HAND-HELD CUTTING TOOL FOR CUTTING FIBER-  
CEMENT SIDING

Examiner : William Hong  
Art Unit : 3725  
Docket No. : 31957-8004US1  
Date : October 23, 2000

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Commissioner for Patents  
Washington, DC 20231

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT

Sir:

Pacific International Tool & Shear Ltd., a corporation of the State of Washington having a place of business at 26130 Bond Road N.E., Kingston, Washington 98346, declares that it is the assignee of the above-identified application. Pacific International Tool & Shear, Ltd. is the owner of 100 percent interest in the instant application. Documentary evidence of chain of title from the original owners to Pacific International Tool & Shear, Ltd. has been filed with and recorded by the United States Patent Office at Reel 9460, Frame 0110. The evidentiary documents referred to in the instant Terminal Disclaimer have been reviewed by the undersigned and it is certified that, to the best of my knowledge and belief, title is in the name of Pacific International Tool & Shear, Ltd.

Pacific International Tool & Shear, Ltd. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory

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term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,993,303. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and assigns.

In making the above disclaimer, the owner does not disclaim any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: (a) expires for failure to pay a maintenance fee, (b) is held unenforceable, (c) is found invalid by a court of competent jurisdiction, (d) is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, (e) has all claims cancelled by a reexamination certificate, (f) is reissued, or (g) is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned represents that he is an attorney of record in the instant application. The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that the making of willfully false statements and the like is punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and may jeopardize the validity of any patent issuing from this patent application.



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